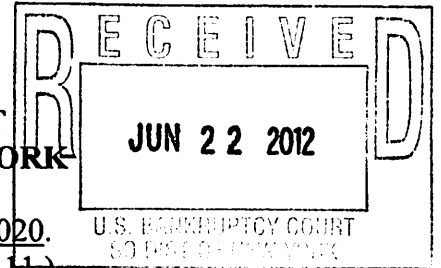


**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**



In Re: Residential Capital, LLC, et al., (RESCAP) &) Case No. 12-12020.
GMAC Mortgage Company LLC (12-12032)) (Ch. 11)
) JUDGE: MARTIN GLENN
)
Debtor) 18 USC §1962 (2:96-cv-494, USDC, SD, OH.),
) (Related Case No. 05-bk-75111, SD.,Ohio)

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO;
EASTERN DIVISION**

In Re: SIDNEY T. LEWIS, pro se,) Case No. 07-bk-57237
) (Ch.7)
Debtor) (Related Bankr Case No. 05-bk-75111)
)
Social Security No.: xxx-xx-5959) JUDGE: HOFFMAN, JOHN, Jr.

In Re: Yvonne D. Lewis,) Case No. 05-bk-75111
) (Ch.7)
Debtor) (Related Case No. 07-bk-57237)
)
Social Security No.: xxx-xx-2390) JUDGE: HOFFMAN, JOHN, Jr.

**IN THE UNITED STATES DISTRICT COURT, S. D. OF OHIO
EASTERN DIVISION (at Columbus)**

UNITED STATES of America, Ex Rel.,
Sidney T. Lewis, et al.,) Action No. 2:08-cv-1042
Plaintiffs,) (Related Dist. Ct. Cases 2:08-cv-16; 2:96-cv-494;
Vs.) 2:09-cv-179;
) JUDGE: HOLSCHUH
Larry McClatchey, et al.,) Magistrate Judge: KING
Emens, Hurd, Kegler & Ritter nka)
Emens, Kegler, Brown, Hill & Ritter, LPC.)
Defendants.

PRAECIPE

Dear Clerk of Bankruptcy Court:

Please find enclosed for filing the following:

I. Adversary Proceeding

1. Adversary Proceeding Cover Sheet ~~and Cover Sheet~~
2. IFP - AFFIDAVIT OF YVONNE D. LEWIS
3. Summons in an Adversary Proceeding
4. Adversary Complaint by Surplus Creditors for False Claims and RICO with Attachments 1 and A.
5. 285'S

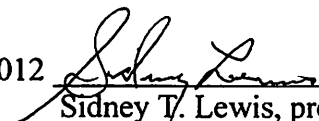
II. ^{Creditors,} Notice of Evidence of Transfer of Debtor's Claims

1. ^{Creditors,} Notice of Filing and Evidence of Transfer
2. With Exhibit 1, Confirmation Entry of Sale and Distribution of proceeds
3. With Exhibit 2, Notice of Chapter 11 Bankruptcy Cases, Meetings of Creditors and Deadlines

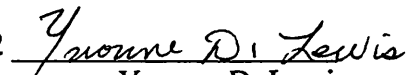
III. NOTICE OF FILING ^{EMERGENCY} MOTION W/ MOTION TO STAY

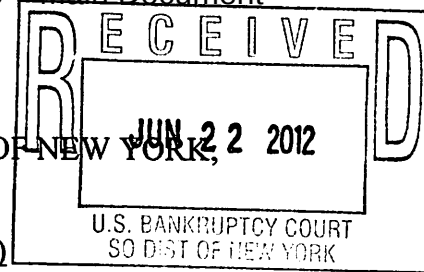
1. FRAUDULENT ORDER OF SALE W/out Signature of OFFICER OF COURT TO EXECUTE COMMAND TO SELL.
* (SEE: EXHIBIT A)

Dated: June 18, 2012


Sidney T. Lewis, pro se
1875 Alvason Avenue
Columbus, Ohio 43219
(614) 940-3306

Dated: June 18, 2012


Yvonne D. Lewis, pro se
1875 Alvason Avenue
Columbus, Ohio 43219
(614) 940-3306



UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF NEW YORK

In Re: Residential Capital, LLC., et al., And,) Case No. 12-bk-12020 (MG)
In Re: GMAC, Mortgage Co., et al,) Chapter (Ch.11, Joint Admin.)
Debtors) (Related BR Case No.07-bk-57237, S.D., OHIO)
) (Related BR Case No. 12-bk-12032, S.D., N.Y.)
) JUDGE: GLENN, MARTIN
UNITED STATES of America, Ex Rel.,)
Yvonne D. Lewis, et al.,) Adversary Case No.: _____
Plaintiffs/ Surplus Creditors) (Related Case No. 12-bk-12020 (MG);
Vs.) 05-CV-7346 (03-CV-7478); 03-CV-10836;
) 05-CV-4555; 03-CV-6954);(11-AP-875,
GMAC, Mortgage Co., et al,) COA10th Dist., OHIO), (10-AP-110, COA10th
Defendants/ Bankrupt Debtor,) Dist., OHIO)

ADVERSARY COMPLAINT BY SURPLUS CREDITORS FOR FALSE CLAIMS AND RICO,
31 U.S.C.A. §§ 3729 to 3733; 18 USC §§ 666, 1962; BR Rule 7008

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF OHIO;
(at Columbus)

[18 USC §§ 245(b)(2)(B), 664, 666, 1962][29 USC §§ 1131, 1132(h), 1140]
[26 USC §§ 101(h), 267(b)(1)][42 U.S.C. §§ 4651(2),7407(d)(1)(C)(i)]

In Re: SIDNEY T. LEWIS, pro se,) Case No. 2:07-bk-57237
) (Ch.7)
Debtor) (Related Bankr Case No. 2:05-bk-75111)
)
Social Security No.: xxx-xx-5959) JUDGE: HOFFMAN, JOHN, Jr.

In Re: Yvonne D. Lewis,) Case No. 2:05-bk-75111
) (Ch.7)
Debtor) (Related Case No. 2:07-bk-57237)
)
Social Security No.: xxx-xx-2390) JUDGE: HOFFMAN, JOHN, Jr.

IN THE UNITED STATES DISTRICT COURT, S. D. OF OHIO
EASTERN DIVISION (at Columbus)

UNITED STATES of America, Ex Rel.,)
Sidney T. Lewis, et al.,) Action No. 2:08-cv-1042
Plaintiffs) (Related Dist. Ct. Cases 2:08-cv-16; 2:96-cv-494;
Vs.) 2:09-cv-179);

Larry McClatchey, et al.,) JUDGE: HOLSCHUH
Magistrate Judge: KING

Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FRIENDS OF THE EARTH, et al.,)
Plaintiff,) Case: 1: 12-cv-00363
Vs.) Assigned To: Jackson, Amy Berman, Judge
UNITED STATES E.P.A. and)
LISA JACKSON, Administrator,)
Defendants.)

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

SECURITIES AND EXCHANGE COMMISSION)
Plaintiff,)
vs.) Case No. 4:10-cv-87
AMERICAN EQUITY INVESTMENT LIFE)
HOLDING COMPANY;)
DAVID J. NOBLE; and)
WENDY C. WAUGAMAN,)
Defendants.)

IN THE COURT OF APPEALS, FRANKLIN COUNTY; OHIO
TENTH DISTRICT COURT OF APPEALS

UNITED STATES OF AMERICA, EX REL.

GMAC, Mortgage Co., et al., : Case No. 12-AP-506, COA10th Dist., Ohio
Plaintiffs/Creditor : (Related Case Nos. 02-MS-20; 05-JG-6455;
Vs. : 05-CV-7346 (03-CV-7478); 03-CV-10836;
05-CV-4555; 03-CV-6954)(11-AP-875)
Yvonne D. Lewis, et al., :
Defendants/Discharged Debtors

ADVERSARY COMPLAINT FOR FALSE CLAIMS AND RICO, BR Rule 7008

Plaintiffs/Relators/and Surplus Creditors, for their complaint in this action, states as follows:

1. Plaintiffs SIDNEY LEWIS and YVONNE D. LEWIS are named Creditors in both BR Case No. 12-bk-12020 and No. 12-bk-12032, S.D., N.Y.; and are Discharged Debtor's as Surplus Creditors in both BR Case No. 2:05-bk-75111 and No. 2:07-bk-57237, S.D., Ohio; with principle residences at Lots 11 and 17, in the Argyle Park Subdivision, aka 1875 Alvason Avenue, Columbus, Ohio [Lot 17] and aka 1913 Argyle Drive, Columbus, Ohio [Lot 11] in this "core" chapter 11, Bankruptcy Reorganization case brought in the wrong forum to evade a "set-off" of claims that arose before the commencement of the chapter 11 case under 11 U.S.C. §§ 524(a), 553 pursuant to 28 U.S.C. § 1406 (the "IMPERMISSIBLE FORUM"¹),
2. Defendant Debtor GMAC, Mortgage Co., LLC, is a corporation, and an affiliate of Residential Capital LLC, whose principal place of business is located at 1100 Virginia Dr, in Montgomery County, Ft Washington, PA 19034.
3. This is an adversary action to aver allegation on behalf of the United States of America under the False Claims act. (See and Compare: Attachment A, False Claims Complaint; Compare With: Attachment 1, Motion To Reopen Closed Case, 11 USC § 350(b)) And, this action is to avoid Debtor GMAC's preferential transfers to Fannie Mae on June 4, 2012 by virtue of a "Writ of Possession" by the State Court, and to Fortress Investment Company on May 18, 2012 by virtue of an Interim Order (Barclays DIP Order) under 11 U.S.C. §§ 547 and 550.
4. The Ohio BR Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331, 1334(b). This is a proceeding arising under title 11 of the United States Code and is a proceeding arising in or related to an

¹ "section 1406 applies to actions that are brought in an impermissible forum; the district court need not have personal jurisdiction over defendants before transferring pursuant to this section. Martin, 623 F.2d at 471, 474." (See: **Jackson v. L&F Martin Landscape**, 421 Fed. Appx. 482, 483 (6th Cir. Ohio 2009))

ongoing Fraudulent “Securities” case as a RICO case under title 18 of the United States Code. (See: 2:96-cv-494, S.D., Ohio, E. Div. “RICO case”, 18 USC §§ 664, 1001, 1341, 1962)

5. This is not a core proceeding in the BR Court of New York within the meaning of 28 U.S.C. § 157, and Ohio Plaintiffs do not consent to entry of final New York bankruptcy court orders under 11 U.S.C. 363(m) for the “at issue” seized and uncompensated subdivision aviation easements for said Lots 11 and 17, as real properties in Argyle Park Subdivision. Effective September 25, 1987 the Federal Aviation Administration (FAA) issued its Order as a Record of Approval (ROA) for “takings” of private aviation easements for noisy aircrafts with designated “flight tracks” [Compare: 49 U.S.C. § 47504(a)(2)(D)&(E) “flight tracks” and “easement”; With: 53 FR 2800, “flight tracks”] in “designated non-attainment areas” for toxic “lead” enriched aviation fuel (“Av-gas) “By Operation of Law” (See: 42 U.S.C. § 7407(d)(1)(C)(i) and (5) “By Operation of Law”) The Bankruptcy Judge in this proceeding would be forced to “alter” the September 25, 1987 FAA, ROA and “dispossess” the City of Columbus of absolute “Fee-Simple” acquired interest in an ongoing “Federal Program” by the Secretary of Transportation under ASNA.

“ASNA, codified at 49 U.S.C. § 47501 et seq., directs the Secretary of Transportation to establish "a single system of measuring noise" from aircraft operations and the exposure of individuals to that noise. 49 U.S.C. § 47502.

(See: Nat'l Bus. Aviation Ass'n v. City of Naples Airport Auth., 162 F. Supp. 2d 1343, 1350 (2001))

Plaintiffs hereby request Transfer of this case to OHIO pursuant to 28 U.S.C. § 1406 due to the fact that Debtor GMAC concealed the “set-off” of claims, “repurchase agreement by Huntington National Bank”, and “unpaid transfer gain taxes” in the Ohio BR cases “so as to cure a defect of personal jurisdiction over the defendants”. More to the point, the perjury issue for “insufficiency of service of summons and complaint” was never resolved by judicial order to allow a lawful commencement of the State Court

Foreclosure case. The case began by the filing of false affidavits as filed by GMAC through its PROCESS SERVER on **MAY 2, 2005** in the underlying state common pleas court case no. 05-cv-4555, Fr. Cnty., Ohio. GMAC seeks another BR forum to evade a judgment in an Ohio Adversary Proceeding filed by an untainted U.S. Bankruptcy (Ch. 7) Trustee in the surplus creditor's BR case no. 07-bk-57237 since the former U.S. (Ch. 7) Trustee was tainted under the aforesaid RICO case (id. 494) and the "tolling" of the Ohio statute of limitations began on **MAY 14, 2012** by the US EPA's Answer in a related U.S. District Court case no. 12-cv-363, S.D., DC.

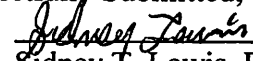
"In a thorough and well-reasoned opinion, 687 F. Supp. 48 (N.D.N.Y. 1988), Chief Judge McCurn considered each of the plaintiffs' claims and held, inter alia, that where a plaintiff moves to transfer a case *** from one federal trial court to another **so as to cure a defect of personal jurisdiction over the defendant**, the state law of the transferee forum governs the action for the purposes of the statute of limitations. See *Ellis v. Great Southwestern Corp.*, 646 F.2d 1099 (5th Cir. 1981); *Martin v. Stokes*, 623 F.2d 469 (6th Cir. 1980). The district court further found that the plaintiffs' filing of a suit in the United States District Court for the District of Maryland is not equivalent to service pursuant to N.Y. Civ. Prac. L. & R. § 203(b)(5). See *Gold v. Jeep Corp.*, 579 F. Supp. 256 (E.D.N.Y. 1984); see also *Young v. Clantech, Inc.*, 863 F.2d 300 (3d Cir. 1988) (timely filing of a case in a court that lacks personal jurisdiction over the defendant did not toll the New Jersey statute of limitations).

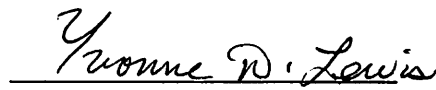
We agree with Chief Judge McCurn's sound analysis, and adopt the two rulings described above."

(See: *Levy v. Pyramid Co. of Ithaca*, 871 F.2d 9, 10 (2d Cir. N.Y. 1989))

It follows that GMAC's filing of a voluntary petition in the United States Bankruptcy Court for the Southern District of New York is 'not equivalent to service' of summons and complaint (by affidavit) in the state court foreclosure case to obtain a "writ of possession" of the alleged Mortgagee's interest held under a FAA Order Id. § 47504(a)(2)(D)&(E) in connection with the "Truth In Lending Act". (53 FR 2800)

Respectfully Submitted,


Sidney T. Lewis, Debtor
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